

General Information Letter: Illinois does not currently require filing of copies of Forms W-2 with the Department.

December 7, 2007

Dear:

This is in response to your letter dated November 12, 2007, in which you request an extension of time for filing information returns. The nature of your request and the information you have provided require that we respond with a General Information Letter, which is designed to provide general information, is not a statement of Department policy and is not binding on the Department. See 86 Ill. Adm. Code 1200.120(b) and (c), which may be found on the Department's web site at www.tax.illinois.gov.

In your letter you have stated the following:

The NAME companies referenced above will be applying for a 2007 Federal extension to file with the Federal Government all information tax returns (Forms W-2, Forms 1099, Forms 1098, etc.) by April 30, 2008. Historically, this extension has always been granted due to the size (approximately 1.5 million documents) and complexity of NAME's compliance process. Therefore, we respectfully request an extension to file the 2007 state/local required information returns. The 2007-year end withholding reconciliation will be filed in accordance with the state's statutory due date. The magnetic media and/or hard copy W-2s, etc., will be mailed on or before April 30, 2008. We believe that in the case where a Federal extension is obtained, we should obtain a corresponding state and local extension. Such an extension refers only to the state filings of Forms W-2, Forms 1099, Forms 1098 and Forms 5498 detail and has no impact on the mailing of individual recipient tax forms, which will be mailed to recipients on or before January 31, 2008.

Response

Of the information returns referred to in your request, the Illinois Income Tax Act (35 ILCS 5/101 *et seq.*) requires filing with the Department of Revenue only of Forms W-2. See Section 703 of the Illinois Income Tax Act. In the case of other information returns, the person preparing the returns is required only to maintain a record of the information in the return, and make that information available to the Illinois Department of Revenue upon request. See Sections 1405.1 (payments of rents and royalties), 1405.2 (payments on personal service contracts), and 1405.3 (payments of prices and awards).

With respect to Forms W-2, 86 Ill. Admn. Code Section 100.7300(b) provides that, rather than file the copies with the Illinois Department of Revenue, employers are required to retain the copies and make them available to the Department upon request. Until this regulation is amended to require filing of these information returns, there is no requirement that NAME Inc. file with the Department any of the information returns mentioned in your request, and so no need for an extension.

As stated above, this is a general information letter which does not constitute a statement of policy that applies, interprets or prescribes the tax laws, and it is not binding on the Department. If you are not under audit and you wish to obtain a binding Private Letter Ruling regarding your factual situation, please submit all of the information set out in items 1 through 8 of Section 1200.110(b). If you have

IT 07-0037-GIL
December 7, 2007
Page 2

any further questions, you may contact me at (217) 782-7055.

Sincerely,

Paul S. Caselton
Deputy General Counsel – Income Tax